IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY SEVENTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

WRIT PETITION NO : 16712 of 1995

Between:

M.V.Ramanacharya S/o.Srinivasacharyulu
Sri Sri Saya Pramoda Thirtha Swamuluvaru

Rep. by his poer of Attorney Agent,R/o.Guntur

..... PETITIONER

AND

1 III Addl. District Judge, Kakinada
2 The Munsif Magistrate-cum-Special Officer for tenancy cases,
Tuni, East Godavari District(Under A.P.(A.A.) Tenancy Act)
3 Yedla Jagga Rao. s/o Venkatrayudu @ Bethaludu,
r/o Pydipala Agraharam Tuni taluk

4. Peruri Chantamma W/o Venkataseshayya,

Cultivation, R/o Tetagunta, Tuni Tq.

5 Peruri Appalaraju s/o Venkataseshayya
r/o Tetagunta Tuni tq.
6 Peruri Narasingha Rao s/o Venkataseshayya
r/o Tetagunta Tuni taluk

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to call for the records pertaining to A.T.A.NO.33/89 DT.18-1-1995 from the 1st respondent herein confirming the order of the 2nd respondent in A.T.C.16/81 DT.2-5-1989 and quash the same order particularly one in the nature of certiorari.

Counsel for the Petitioner:MR.M.KRISHNA MOHAN RAO
Counsel for the Respondent 2: GP FOR REVENUE
Counsel for the Respondents 1, 3 to 5: None appeared.

The Court made the following :

O R D E R :

The Writ Petition is filed by the religious institution, who had sought fixation of fair rent under Section 6 of Andhra Tenancy Act. The authority rejected the application on the ground that the petitioner was not the patta holder of the land, and on the same ground, the appellate authority also rejected the claim of the petitioner. The petitioner contends that during the pendency of this Writ Petition, patta with respect to the land has been granted to the petitioner.

2. Under these circumstances, I think that the ends of justice would be met if the case is remanded back after setting aside the order of the Original Authority and the Appellate Authority. The Original Authority i.e., the Munsif Magistrate-cum-Special Officer under Andhra Pradesh (Andhra Area) Tenancy Act, Tuni, shall re-hear the matter in the light of changed circumstances.

3. The Writ Petition is accordingly disposed of. Since the matter is pending for a long time, the Authority may dispose of the matter within six months. No costs.

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Dated: 27-01-2005 BILAL NAZKI, J

Ccm/ts

To

1 III Addl. District Judge, Kakinada
2 The Munsif Magistrate-cum-Special Officer for tenancy cases,
Tuni, East Godavari District(Under A.P.(A.A.) Tenancy Act)
3 2 CCs to the G.P. for Revenue, High Court Buildings, A.P. Hyderabad

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